

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD OCTOBER 14, 2004 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**     Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

**A B S E N T**        None.

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A WORK SESSION ON THE INSTITUTION OF AN AGGRESSIVE BUY LOCAL CAMPAIGN IN ACCORDANCE WITH THE BOARD OF SUPERVISORS' TOP PRIORITIES**

The Board of Supervisors received a presentation from Talmage Reeves, Director of Economic Development; Sue Monaco, Procurement Supervisor; and Karen Henderson, Executive Director of the Chamber of Commerce, on the institution of a "Buy Local" campaign in Fauquier County.

**A WORK SESSION TO CONSIDER VARIOUS METHODS OF FUNDING FOR ALL-DAY STAFFING FOR FIRE AND RESCUE SERVICES**

Chief Philip Myer, Office of Emergency Services, and Tom Marable, President of the Fire and Rescue Association, discussed possible methods of funding for all-day staffing for Fire and Rescue services.

**A WORK SESSION TO REVIEW THE STATUS OF THE PUBLIC SAFETY RADIO SYSTEM IMPLEMENTATION**

Anthony Hooper, Deputy County Administrator; Mike Law, Nelson Davis, and Gerald Mathey of Motorola; and Ken Ballard of CTA Engineering, updated the Board on the status of the public safety radio system implementation.

The meeting was reconvened in Regular Session at 6:30 p.m.

**ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda as presented. Mr. Robison seconded, and the vote for the motion was 4 to 0 as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>Mr. William G. Downey</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

## **CITIZENS' TIME**

- Roger Martella, Chairman of the Architectural Review Board, awarded a commemorative bronze plaque to the Board of Supervisors for outstanding renovation of an historical building, specifically the Warren Green Building.

## **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Stribling stated he would present a Proclamation to Declare the Week of October 3 through 9, 2004 as Fire Prevention Week to the Fire and Rescue Association.
- Mr. Downey presented to Lee Bell, Principal of C. Hunter Ritchie Elementary School, A Proclamation to Commend the Students and Administration of C. Hunter Ritchie Elementary School, the Fauquier County School Board, and the Residents of Scott Magisterial District for Receipt of the United States Secretary of Education's Blue Ribbon School Award.
- Mr. Atherton recognized Janice Bourne, Finance Director, for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.
- Mr. Atherton recognized Bryan Tippie, Budget Director, and Betty Brooks, Budget Analyst, for receiving the Distinguished Budget Preparation Award from the Government Finance Officers Association of the United States and Canada.
- Mr. Lee acknowledged receipt of a Certificate of Appreciation from the Botha Village Homeowners' Association to the Fauquier County Board of Supervisors for the County's participation in the construction of the Botha Affordable Housing Project.

## **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

## **Approval of the Minutes for the September 9, 2004 Regular Meeting and September 30, 2004 Special Meeting of the Fauquier County Board of Supervisors**

## **A Resolution to Petition the Rappahannock Regional Criminal Justice Academy for Membership**

## RESOLUTION

### A RESOLUTION TO PETITION THE RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE ACADEMY FOR MEMBERSHIP

WHEREAS, on January 14, 1997, Fauquier County entered into an Agreement Establishing the Northern Virginia Criminal Justice Academy; and

WHEREAS, an analysis of training needs of Fauquier County's law enforcement staff has revealed that participation in the Rappahannock Regional Criminal Justice Academy would provide a more relevant curriculum and result in significant cost savings; and

WHEREAS, on April 19, 2004, the Board of Supervisors adopted a resolution to petition for withdrawal from membership in the Northern Virginia Criminal Justice Academy; and

WHEREAS, the Northern Virginia Criminal Justice Academy has consented to Fauquier County's petition for withdrawal; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the Fauquier County Administrator be, and is hereby, directed to take all actions necessary to petition for membership in the Rappahannock Regional Criminal Justice Academy.

### **A Resolution to Authorize the Establishment of an Additional Court Services Officer Position Within the Office of Adult Court Services**

## RESOLUTION

### A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF AN ADDITIONAL COURT SERVICES OFFICER POSITION WITHIN THE OFFICE OF ADULT COURT SERVICES

WHEREAS, the Fauquier County Office of Adult Court Services has been selected to receive supplemental grant funding from the Department of Criminal Justice Services to hire a new local probation officer; and

WHEREAS, the Department of Criminal Justice Services will provide localities with \$31,875 for the remainder of Fiscal Year 2005 and \$42,499 for Fiscal Year 2006 to hire one new full-time local probation officer; and

WHEREAS, the Fauquier County Courts, the Fauquier County Personnel Committee, and the Fauquier County Finance Committee have endorsed the establishment of an additional court services officer position to enhance the quality of probation services in the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That an additional court services officer position be, and is hereby, established and approved for the Office of Adult Court Services, effective October 14, 2004.

**A Resolution to Adopt the Rappahannock-Rapidan Region (Multi-Jurisdictional) All Hazard Mitigation Plan**

RESOLUTION

A RESOLUTION TO ADOPT THE RAPPAHANNOCK-RAPIDAN REGION  
(MULTI-JURISDICTIONAL) ALL HAZARD MITIGATION PLAN

WHEREAS, Fauquier County, like any jurisdiction, is vulnerable to an array of natural and human-caused hazards that can result in loss of life and damages to public and private property; and

WHEREAS, it is the intent of the Fauquier County Board of Supervisors to protect its citizens and property from the effects of natural and human-caused hazards to the furthest extent possible; and

WHEREAS, Fauquier County desires to seek ways to effectively reduce (mitigate) the risk of these natural and human caused hazards through participation with the Rappahannock-Rapidan Regional Commission and adjoining jurisdictions in the development and implementation of a regional all hazard mitigation plan; and

WHEREAS, it is also the intent of the Board of Supervisors to fulfill its obligation under Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to remain eligible to receive State and Federal assistance in the event of a declared disaster affecting Fauquier County; and

WHEREAS, the Virginia Department of Emergency Management has reviewed said plan, inclusive of the Fauquier County section prepared with input from appropriate local and State officials, and has approved the plan pending the completion of local adoption procedures; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of October 2004, That the Board adopts the Rappahannock-Rapidan Region (Multi-Jurisdictional) All Hazard Mitigation Plan and agrees to take such other official action as may be reasonably necessary to carry out the proposed actions included in the Fauquier County section of the Plan effective this date.

**A Resolution to Receive the Rappahannock-Rapidan Community Services Board's FY 2005 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Area Plan for Aging Services**

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD'S FY 2005 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2004, the Rappahannock-Rapidan Community Services Board adopted the 2005 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Area Plan for Aging; and

WHEREAS, Fauquier County has received a request from the Community Services Board that the Board of Supervisors endorse the Contract and Plan, by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the Fauquier County Board of Supervisors does hereby receive the FY 2005 Rappahannock-Rapidan Community Services Board's Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the 2005 Area Plan for Aging Services and acknowledges that Fauquier County participated in the review process and has no additional comments regarding the Contract or Plan.

**A Resolution to Authorize the Fauquier County Administrator to Execute a Capital Expansion Payment Agreement and an Amended and Restated Regional Jail Agreement with the Clarke-Fauquier-Frederick-Winchester Regional Jail**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE FAUQUIER COUNTY ADMINISTRATOR TO EXECUTE A CAPITAL EXPANSION PAYMENT AGREEMENT AND AN AMENDED AND RESTATED REGIONAL JAIL AGREEMENT WITH THE CLARKE-FAUQUIER-FREDERICK-WINCHESTER REGIONAL ADULT DETENTION CENTER

WHEREAS, on July 18, 1998, the Counties of Fauquier, Clarke, Frederick and the City of Winchester entered into a Regional Jail Agreement providing for their joint participation in the Regional Jail; and

WHEREAS, the Regional Jail is overcrowded and public safety and efficient operations are deleteriously impacted by inmate populations that exceed the design capacity; and

WHEREAS, the participating jurisdictions desire to provide for further capital expansion of the Regional Jail facilities; and

WHEREAS, on June 21, 2004, the Fauquier County Board of Supervisors approved a comprehensive agreement between the City of Winchester (acting as fiscal agent) and Howard Shockey and Sons, Inc. to expand the Regional Jail; and

WHEREAS, in order to effectuate expansion of the Regional Jail, it is necessary to amend the Regional Jail Agreement to provide for a division of capital, operating, and maintenance costs among the participating jurisdictions based upon the average number of prisoners per day from each jurisdiction over the past three fiscal years; and

WHEREAS, in order to effectuate expansion of the Regional Jail, it is also necessary for the participating jurisdictions to execute a Capital Expansion Payment Agreement; and

WHEREAS, the duties and obligations of Fauquier County under either or both Agreements shall be subject to the lawful appropriation of funds by the Fauquier County Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the Fauquier County Administrator be, and is hereby, authorized to execute the Amended and Restated Regional Jail Agreement, and Capital Expansion Payment Agreement.

**A Resolution to Amend the Warrenton-Fauquier Airport Rules, Regulations, and Minimum Standards**

RESOLUTION

A RESOLUTION TO AMEND THE WARRENTON-FAUQUIER AIRPORT RULES,  
REGULATIONS, AND MINIMUM STANDARDS

WHEREAS, due to the number of aircraft currently located at the Warrenton-Fauquier Airport that display some extent of disassembly, it is recommended that the following paragraph be added to Chapter II, Section 2: Parked Aircraft, of the Warrenton-Fauquier Airport Rules, Regulations, and Minimum Standards:

*c. No person shall park or store any aircraft that is missing any major exterior component necessary for flight on any tie-down or ramp. Examples include: wings, empennage, cowlings and propeller. Should temporary removal of a component be required to perform any "unscheduled" maintenance, as defined in Section 3 of this Chapter, it will require a written request to the Airport Manager and written permission from the Airport Manager to include a time limit that the condition can exist.*

; and,

WHEREAS, in order to bring the Airport into compliance with Environmental Protection Agency guidelines covering the disposal of aircraft fuel sump samples, collection containers have been placed in the tie-down areas, and it is recommended that the following paragraph be added to Chapter III, Section 6: Disposal of Sump Fuel, of the Warrenton-Fauquier Airport Rules, Regulations, and Minimum Standards:

*All fuel samples collected from aircraft for the purpose of detection of contaminants shall be disposed of utilizing the containers on the Airport ramps labeled "SUMP FUEL." Absolutely no fuel is to be disposed of in any other manner such as pouring on the asphalt or grass.*

; and,

WHEREAS, on September 27, 2004, the Fauquier County Airport Committee reviewed and approved the above-listed additions to the Warrenton-Fauquier Airport Rules, Regulations and Minimum Standards; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the Warrenton-Fauquier Airport Rules, Regulations, and Minimum Standards be, and are hereby amended.

**A Resolution to Award a Contract to General Excavation, Inc. for Site Work for the Third T-Hangar at the Warrenton-Fauquier Airport**

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT TO GENERAL EXCAVATION, INC. FOR SITE WORK FOR THE THIRD T-HANGAR AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, Fauquier County has entered into an agreement with Midland Development Corporation for the construction of the third T-Hangar at the Warrenton-Fauquier Airport; and

WHEREAS, Fauquier County has made application to the Virginia Department of Aviation for 80% of the site development costs related to the T-Hangar; and

WHEREAS, Midland Development Corporation will provide the 20% local grant share for this project; and

WHEREAS, bids were received on September 23, 2004; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the contract for site work for the third T-Hangar at the Warrenton-Fauquier Airport in the amount of \$585,000 be, and is hereby, awarded to General Excavation, Inc., subject to the approval of the Virginia Department of Aviation; and, be it

RESOLVED FURTHER, That the County Administrator, or his designee, be, and is hereby, authorized to execute the contract and grant agreement upon the notice of grant award.

**A Resolution to Approve Funding for Purchase of Development Rights (PDR) within the Old Dominion Electric Cooperative (ODEC) Mitigation Area**

RESOLUTION

A RESOLUTION TO APPROVE FUNDING FOR PURCHASE OF DEVELOPMENT RIGHTS (PDR) WITHIN THE OLD DOMINION ELECTRIC COOPERATIVE (ODEC) MITIGATION AREA

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on October 20, 2003, the Fauquier County Board of Supervisors resolved that funding from Old Dominion Electric Cooperative (ODEC) will be applied to the PDR Program

solely for qualified PDRs within the five-mile radius of the power plant to mitigate negative effects of that plant, and that applications would be accepted until December 22, 2003; and

WHEREAS, Old Dominion Electric Cooperative (ODEC) will contribute funds totaling \$1.5 million for purchase of development rights on properties located within a five-mile radius of that company's new peaking power plant; and

WHEREAS, the Fauquier County Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting qualified farm properties for preservation; and

WHEREAS, on September 2, 2004, the PDR Committee reviewed five PDR Program applications and, after evaluation of applicant properties, determined all of the properties meet the eligibility criteria and will be excellent additions to the Program and recommends the purchase of development rights on all five farms; and

WHEREAS, the PDR Committee also recommends that the Board of Supervisors require that the overwhelming majority of available development rights on each farm be purchased so as to avoid future conflicts with farming operations and to assure long-term agricultural viability; and

WHEREAS, on September 9, 2004, the Fauquier County Board of Supervisors resolved to approve funding for Purchase of Development Rights within the Old Dominion Electric Cooperative (ODEC) Mitigation Area; and

WHEREAS, it has become necessary to revise the number of development rights offered, thereby revising the cost to the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of October 2004, That the County Administrator be, and is hereby, authorized to negotiate and execute the purchases of the following eligible development rights as determined by the PDR Committee:

<b>Applicant</b>	<b>Acres</b>	<b>Parcels</b>	<b>Development Rights</b>	<b>Cost</b>
Morgan B. Ott, III	115	1	6	\$120,000
Claude E. Chapman	124.5	3	10	\$200,000
Calvin L. Ritchie	150.39	1	7	\$140,000
Wilbur E. Ritchie, II	137.5	2	10	\$200,000
Edward Brock Price	286.497	5	21	\$420,000
<b>TOTALS</b>	<b>813.887</b>	<b>12</b>	<b>54</b>	<b>\$1,080,000</b>

**A Resolution to Establish Procedures for Approving Purchase of Development Rights Applications Outside Regular Application Rounds**

RESOLUTION

A RESOLUTION TO ESTABLISH PROCEDURES FOR APPROVING PURCHASE OF DEVELOPMENT RIGHTS APPLICATIONS OUTSIDE REGULAR APPLICATION ROUNDS



WHEREAS, on February 19, 2002, the Board of Supervisors adopted the Purchase of Development Rights Program (PDR); and

WHEREAS, on April 19, 2004, the Board of Supervisors approved creation of the Conservation Easement Service District; and

WHEREAS, on May 17, 2004, the Board of Supervisors created the PDR Selection Review Committee; and

WHEREAS, there may be circumstances in which qualified farms face emergency situations that would make application impossible during regular PDR application rounds, thereby making the threat of farmland conversion highly probable prior to the regular PDR application round; and

WHEREAS, emergency PDR applications must meet all PDR program eligibility criteria, and must be recommended to the Board of Supervisors by the PDR Selection Review Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That qualified emergency purchases through the PDR program are hereby authorized; and

RESOLVED FURTHER, That for purposes of this resolution, “qualified emergency purchases” are defined as situations including, but not limited to, estate settlement, foreclosure, death, or serious illness of a farm owner or family member.

**Consider Summer Sky Subdivision: Preliminary Plat PPLT05-LE-004, Lee District**

No action was taken.

**Consider Tinpot Overlook Subdivision: Preliminary Plat PPLT05-LE-003, Lee District**

No action was taken.

**A Resolution to Authorize Donation of County Surplus Property to the American Red Cross**

RESOLUTION

A RESOLUTION TO AUTHORIZE DONATION OF COUNTY SURPLUS PROPERTY TO THE  
AMERICAN RED CROSS

WHEREAS, the local chapter of the American Red Cross provides extremely effective aid and resources to members of the Fauquier County community who have been deprived of the basic necessities of life due to natural disasters or other emergency events; and

WHEREAS, from time to time, the Fauquier County Government has certain surplus property items which are no longer in use; and

WHEREAS, the Fauquier County Board of Supervisors wishes to provide what assistance it can to the American Red Cross; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the County Administrator be, and is hereby, authorized to donate surplus property to the American Red Cross.

**A Resolution Directing the County Administrator to Schedule a Public Hearing on the Application of Fauquier Heritage & Preservation Foundation, Inc. for an Exemption of Its Real and Personal Property from Taxation**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON THE APPLICATION OF FAUQUIER HERITAGE & PRESERVATION FOUNDATION, INC., FOR AN EXEMPTION OF ITS REAL AND PERSONAL PROPERTY FROM TAXATION

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by organizations that use the property exclusively for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance on the application of Fauquier Heritage & Preservation Foundation, Inc., for an exemption of its real and personal property from taxation.

**A Resolution Amending Section 6-3 of the By-Laws of the Board of Supervisors to Add a Residency Requirement for Membership on Committees of the Board of Supervisors**

RESOLUTION

A RESOLUTION AMENDING SECTION 6-3 OF THE BY-LAWS OF THE BOARD OF SUPERVISORS TO ADD A RESIDENCY REQUIREMENT FOR MEMBERSHIP ON COMMITTEES OF THE BOARD OF SUPERVISORS

WHEREAS, the Fauquier County Board of Supervisors has amended the Code of Fauquier County to impose a residency requirement on all members of its Parks and Recreation, and Library Boards; and

WHEREAS, the Code of Virginia imposes a residency requirement on members of local Industrial Development Authority Boards; and

WHEREAS, the Board of Supervisors wishes to impose a residency requirement for membership on all committees of the Board; now, therefore, be it

RESOLVED by the Fauquier Board of Supervisors this 14th day of October 2004, That Section 6-3 of the By-laws of the Board of Supervisors be, and is hereby, amended to add Subsection C imposing a residency requirement for membership on committees of the Board of Supervisors:

### **Section 6-3 Citizen Appointments**

- A. All appointments of citizens, other than members of the Board of Supervisors, shall be made by a majority vote of Board members present.
- B. Unless specified by law or otherwise, all appointments of citizens shall be made at the first January meeting after the election of the Board of Supervisors and shall be for a term of four years.
- C. Unless specified by law or by resolution of the Board of Supervisors, all citizens appointed to committees of the Board shall be residents of the County and shall maintain their residency within the County throughout the term of their membership on the committee. Change in residency to a locality outside of the County shall result in automatic forfeiture of the citizen's committee appointment.

; and, be it

RESOLVED FURTHER, That the Board of Supervisors respectfully requests that the Fauquier County Water and Sanitation Authority Board, the Vint Hill Economic Development Authority Board, and all other independent boards and commissions of the County consider the imposition of a residency requirement on the membership of their committees or boards.

### **A RESOLUTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH LORD FAIRFAX COMMUNITY COLLEGE (LFCC) ON CONSTRUCTION FUNDING**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded the motion. The Board discussed that Lord Fairfax Community College (LFCC) is seeking a funding Memorandum of Understanding with eight supporting jurisdictions on site development costs of future LFCC construction at both the Middletown and Warrenton campuses. These jurisdictions are the Counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah, Warren and the City of Winchester. Following discussion, the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH LORD FAIRFAX COMMUNITY COLLEGE (LFCC) ON CONSTRUCTION FUNDING

WHEREAS, Lord Fairfax Community College (LFCC) provides local college level educational opportunities for citizens of Fauquier County; and

WHEREAS, LFCC has indicated that student enrollment continues to increase each year, requiring expansion of LFCC facilities; and

WHEREAS, LFCC is requesting proportional local funding support from eight jurisdictions (Counties of Clarke, Fauquier, Frederick, Page, Rappahannock, Shenandoah, Warren, and the City of Winchester) for site preparation beyond five feet of future State funded construction projects at either the Middletown or Warrenton campuses; and

WHEREAS, the amount of Fauquier County support would be \$200 per full-time equivalent County LFCC student annually, beginning in FY 2005; and

WHEREAS, a Memorandum of Understanding (MOU) has been prepared outlining an agreement with LFCC on funding support for site development of State funded new construction, which would become effective when all eight supporting jurisdictions sign similar MOUs; and

WHEREAS, on May 19, 2003, the Board of Supervisors discussed this issue during a work session and indicated possible funding support if the eight jurisdictions agreed to proportional support of all LFCC construction projects; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the attached LFCC Construction Funding MOU is approved, and the Board Chairman is hereby authorized to sign the attached document.

### MEMORANDUM OF UNDERSTANDING BETWEEN LORD FAIRFAX COMMUNITY COLLEGE AND FAUQUIER COUNTY, VIRGINIA

WHEREAS, the Commonwealth of Virginia agrees to build and equip buildings necessary to support the mission and vision of the College. According to the Virginia Community College System (VCCS) policy 10.0.1.0.2 Funding, Construction, and Maintenance of Site Development:

*Expenditures for ... site preparation beyond five feet from a building ... shall be made only from appropriated Trust and Agency funds, including local government allocations or appropriations... Prior to the awarding of contract, or modifications to an existing contract... such non-general funds... must be on deposit either in the State Treasury in local college accounts under the control of the local college board as authorized by the State Board for Community Colleges.*

WHEREAS, Fauquier County, one of the eight supporting jurisdictions, agrees to fund requirements for site development of future Lord Fairfax Community College State funded buildings at either campus. The proportionate share for each of the eight jurisdictions will be based upon the jurisdiction's full-time equivalent enrolled student headcount as a percentage of total College jurisdictional headcount.

WHEREAS, Fauquier County's share of construction cost is \$200 per full-time equivalent County student enrolled beginning in FY 2005, and becomes effective when the other seven supporting jurisdictions approve similar Memorandums of Understanding.

WHEREAS, the Lord Fairfax Community College President will, at least annually, provide the Fauquier County Board of Supervisors an update of the College's construction projects.

AUTHORIZED SIGNATURE:

AUTHORIZED SIGNATURE:

John J. Sygielski, President  
Lord Fairfax Community College

Harry Atherton, Chairman  
Fauquier County Board of Supervisors

Lord Fairfax Community College Revised Schedule of Local Contributions (One College Concept)	PROPOSED NEW BUILDINGS								
	Already Approved FY 2003-2004	Fall 2003	% of	FY 2004-2006	FY 2006-2008	FY 2008-2010	FY 2008-2010	New	Total
	Science Building	Enrollment	Total	Workforce Service Center Middletown Campus*	Workforce Service Center Fauquier Campus *	Classroom Building Middletown Campus	Phase II Fauquier Campus	Local / State Funding	Local / State Funding **
Jurisdictional									
Clarke County	\$62,500	278	5%	\$63,000	\$81,000	\$94,000	\$50,000	\$288,000	\$350,500
Fauquier County	\$125,000	777	16%	\$203,000	\$259,000	\$279,000	\$160,000	\$901,000	\$1,026,000
Frederick County	\$437,500	1598	33%	\$417,000	\$535,000	\$570,000	\$329,000	\$1,851,000	\$2,288,500
Page County	\$37,500	93	2%	\$25,000	\$33,000	\$55,000	\$20,000	\$133,000	\$170,500
Rappahannock County	\$37,500	92	2%	\$25,000	\$33,000	\$28,000	\$20,000	\$106,000	\$143,500
Shenandoah County	\$212,500	681	14%	\$177,000	\$227,000	\$231,000	\$140,000	\$775,000	\$987,500
Warren County	\$187,500	670	14%	\$177,000	\$227,000	\$250,000	\$140,000	\$794,000	\$981,500
Winchester City	\$150,000	666	14%	\$177,000	\$227,000	\$213,000	\$140,000	\$757,000	\$907,000
Total Jurisdictional Contributions	\$1,250,000	4855	100%	\$1,264,000	\$1,622,000	\$1,720,000	\$999,000	\$5,605,000	\$6,855,000
State Contribution	\$8,983,000			\$2,340,000	\$2,455,000	\$9,555,000	\$5,549,000	\$19,899,000	\$28,882,000
Total Construction Costs	\$10,233,000			\$3,604,000	\$4,077,000	\$11,275,000	\$6,548,000	\$25,504,000	\$35,737,000

\* Some portion of these funds may come from private industry or other funding.

\*\* Includes Science building and future proposed state buildings.

**A RESOLUTION TO APPROVE A WAIVER OF ZONING ORDINANCE SECTION 7-302 1.B. TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD, LEE DISTRICT**

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded the motion. The Board discussed an application for waiver of Zoning Ordinance Section 7-302 1.B., Limitations, which would allow a subdivision on a private street that does not connect directly to a State maintained street. Following discussion, the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

## RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF JON AND JESSICA ARNOLD FOR A WAIVER OF ZONING ORDINANCE SECTION 7-302 1.B. TO ALLOW A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD

WHEREAS, Jon and Jessica Arnold, applicants, are seeking a waiver to Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a State maintained street; and

WHEREAS, the applicants wish to create one (1) new lot, a family transfer division, from their 14.8-acre parcel identified as PIN 7806-70-7780-000, with access via a 50-foot easement, Nugget Court, which connects to Golden Drive, a private street; and

WHEREAS, Golden Drive is an existing private street that connects directly to Courtney's Corner Road (Route 637), a State maintained street; and

WHEREAS, on September 28, 2004, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That Zoning Ordinance Section 7-302.1.B is waived to permit Jon and Jessica Arnold to create one (1) family transfer division on the above referenced parcel on a private street that does not connect directly to a state maintained street.

### **A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO INSTITUTE THE ROAD ABANDONMENT PROCESS FOR A PORTION OF OLD TAVERN ROAD (ROUTE 245)**

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded the motion. The Board discussed a request to abandon a portion of the Old Tavern Road right-of-way. Following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO INSTITUTE THE ROAD ABANDONMENT PROCESS FOR A PORTION OF OLD TAVERN ROAD (ROUTE 245)

WHEREAS, on February 2, 1983, there was a 55-foot right-of-way dedication to the Fauquier County Board of Supervisors along Old Tavern Road (Route 245) for public use for highway purposes; and

WHEREAS, the Fauquier County Board of Supervisors has received a request to abandon a portion of the Old Tavern Road right-of-way, approximately 15 feet in width along the property boundary of PIN 6978-86-8792-000 (approximately 200 feet in length), said portion of road being shown on that certain Fauquier County Geographic Information System Plat dated October 4, 2004, and titled "Portion of Route 245 to be Abandoned"; and

WHEREAS, Virginia Code Title 33.1, Chapter 1, Article 11, Sections 33.1-151, *et seq.*, set forth a procedure by which roads in the State Highway System or Secondary System may be abandoned; and

WHEREAS, the Fauquier County Transportation Committee has received a request from a citizen of the County to abandon the aforesaid section of the road; and

WHEREAS, on October 5, 2004, after consultation with appropriate officials from the Virginia Department of Transportation, and a review of the pertinent facts and circumstances, the Fauquier County Transportation Committee did not make a recommendation on the abandonment of the aforesaid section of the road; and

WHEREAS, the Board of Supervisors wishes to institute the abandonment process for the aforesaid portion of road; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the County Administrator be, and is hereby, directed to take all steps necessary to institute the road abandonment process for the aforesaid road.

### **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Birmingham Green Board: Nancy Reeves, reappointed with a term to expire September 30, 2008.
- Birmingham Green Board: Janis Selbo, reappointed with a term to expire September 30, 2008.
- Parks and Recreation Board – Lee District: Donald Johnson, Jr., reappointed with a term to expire September 30, 2008.

### **SUPERVISORS' TIME**

- Mr. Downey recognized the heroic efforts of Betty Putnam, Principal of M.M. Pierce Elementary School, when she and her staff rescued two children from a parked vehicle

that was in the path of an approaching tornado. Mr. Downey stated he will sponsor a proclamation in November to recognize Native Americans.

- Mr. Graham stated that he will review subdivision potentials and stale zoning and that he wishes to pursue an effort to consolidate building density in the Cedar Run district in order to maintain open space. Mr. Graham announced that over \$7,000 was raised during the first annual Working Together Committee charity golf tournament.
- Mr. Atherton expressed his appreciation to County agencies and the community in general for their remarkable response to last month's tornado emergency.
- Mr. Stribling stated his pleasure with the County agencies' support, and disaster relief efforts of the American Red Cross in helping residents of the Town of Remington rebuild following the devastation caused by tornado damage last month. Mr. Stribling stated he wishes to develop a plan to help educate first, second and third generation homebuyers, and to generally inform the community, that it is the responsibility of the individual homeowners' associations to mitigate any damage in subdivisions resulting from development and construction issues.
- Mr. Robison expressed his appreciation for the donation, made by Nick Arundel, of a framed document that describes the history of the Warren Green Building displayed on the wall at the entrance to the Warren Green Meeting Room.

### **ANNOUNCEMENTS**

- Mr. Lee announced that, because Veteran's Day falls on November 11, the next regular Board meeting will be held on Wednesday, November 10, 2004, in the Warren Green meeting room.

### **A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$137,627 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$1,569,501**

A public hearing was held to consider various budget-related issues in the amount of \$137,627 in appropriations for FY 2004, and \$466,712 in appropriations and \$1,102,789 in transfers for FY 2005. Bryan Tippie, Budget Director, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded the motion, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>



## RESOLUTION

### A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$137,627 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$1,569,501

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget and on March 29, 2004, adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at the August meeting, the Finance Committee recommended FY 2004 budget adjustments of \$137,627 and FY 2005 budget adjustments of \$1,569,501 for the purposes set forth below; and

WHEREAS, on October 14, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of October 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of \$137,627 and that the FY 2005 Budget be, and is hereby, amended in the amount of \$1,569,501 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<b><u>FY 2004</u></b>					
Insurance Reimbursement	3-100-411000-0010	\$1,460	Sheriff's Office	4-100-031200-3311	\$1,460
Insurance Reimbursement	3-100-411000-0010	\$60	Sheriff's Office	4-100-031200-3311	\$60
Federal Funds	3-100-331000-0171	\$6,738	Sheriff's Office	4-100-031200-6011	\$6,738
Fire & Rescue Fees	3-270-189900-0050	\$276	Fire & Rescue Association	4-270-032250-6013	\$276
<b><u>General Fund</u></b>	4-100-043415-8201	\$20,000	Parks & Recreation Comprehensive Maintenance	4-302-94200-6102	\$20,000
Cafeteria Sales	3-207-164200-0010	\$93,663	School Division Food Nutrition	4-207-65100-6002-900-000	\$93,663
CIP Construction Funds	4-302-66610-8712	\$15,430	School Division	4-205-66500-6047-307-900	\$15,430
<b><u>FY 2005</u></b>					
Fund Balance – Carryover	3-100-419000-0010	\$6,541	Sheriff's Office	4-100-031262-1201	\$6,541
Fund Balance – Carryover	3-100-419000-0010	\$6,042	Sheriff's Office	4-100-031240-8201	\$6,042

State Funds	3-100-244005-0015	\$2,500	Sheriff's Office	4-100-031200-6031	\$2,500
Federal Funds	3-205-332000-0029	\$30,211	School Division	4-205-61108-6013-200-190	\$30,211
Fund Balance – Carryover	3-100-419000-0010	\$29,515	Parks & Recreation	4-100-711200-8207	\$29,515
Fund Balance – Carryover	3-100-419000-0010	\$17,000	School Division	4-205-62120-6047-900-000	\$17,000
Fund Balance – Textbooks	3-206-419000-0010	\$283,694	School Division – Textbook Fund	4-206-061100-6020	\$283,694
Fund Balance – Carryover	3-100-419000-0010	\$165	Sheriff's Office	4-100-031240-8201	\$165
Insurance Reimbursement	3-100-411000-0010	\$3,508	Sheriff's Office	4-100-031200-3311	\$3,508
Fund Balance – Carryover	3-100-419000-0010	\$31,232	Sheriff's Office	4-100-033200-6047	\$31,232
<b><u>Fund Balance – Carryover</u></b>	3-100-419000-0010	\$14,592	Sheriff's Office	4-100-033200-6047	\$14,592
<b><u>Fund Balance – Carryover</u></b>	3-100-419000-0010	\$6,712	Commonwealth's Attorney	4-100-022110-9999	\$6,712
<b><u>Fire &amp; Rescue Fund Balance</u></b>	3-270-419000-0010	\$17,500	Fire & Rescue Association	4-270-032200-5255	\$35,000
Construction Reserve	4-302-91400-0100	\$17,500			
<b><u>General Fund – Transfer</u></b>	4-100-011010-1101	\$2,723	Non-Department Salary Reserve	4-100-091400-9601	\$319,504
	4-100-012110-1101	\$7,890			
	4-100-012210-1101	\$6,127			
	4-100-012310-1101	\$14,676			
	4-100-012410-1101	\$11,759			
	4-100-012511-1101	\$15,405			
	4-100-012600-1101	\$6,597			
	4-100-012721-1101	\$2,377			
	4-100-012722-1101	\$8,433			
	4-100-012723-1101	\$4,039			
	4-100-012727-1101	\$948			
	4-100-013010-1101	\$3,407			
	4-100-013200-1101	\$1,786			
	4-100-021600-1101	\$10,952			
	4-100-022100-1101	\$10,805			
	4-100-031200-1101	\$86,217			
	4-100-043410-1101	\$2,555			
	4-100-043412-1101	\$23,121			
	4-100-043413-1101	\$10,479			
	4-100-053110-1101	\$26,774			
	4-100-053150-1101	\$1,191			
	4-100-053155-1101	\$515			
	4-100-053160-1101	\$468			
	4-100-053161-1101	\$390			
	4-100-053500-1101	\$2,120			
	4-100-053510-1101	\$605			
	4-100-071110-1101	\$12,420			
	4-100-073100-1101	\$12,605			
	4-100-081200-1101	\$32,120			
Non-Department Salary Reserve	4-100-091400-9601	\$758,285	General Fund Departments	See Attached	\$758,285
Contingency Reserve	4-100-091400-9999	\$25,000	Contributions	4-100-081600-5691	\$25,000
TOTAL		\$1,707,128			\$1,707,128

**A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$45,496 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$8,087,540**

A public hearing was held to consider various budget-related issues in the amount of \$45,496 in appropriations for FY 2004, and \$5,733,237 in appropriations and \$2,354,303 in transfers for FY 2005. Bryan Tippie, Budget Director, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded the motion, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

**RESOLUTION**

**A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$45,496 AND THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$8,087,540**

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget and on March 29, 2004, adopted the Fauquier County FY 2005 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at the September meeting, the Chairman of the Finance Committee recommended FY 2004 budget adjustments of \$45,496 and FY 2005 budget adjustments of \$8,087,540 for the purposes set forth below; and

WHEREAS, on October 14, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of October 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of \$45,496 and that the FY 2005 Budget be, and is hereby, amended in the amount of \$8,087,540 as follows:

<b>Source</b>	<b>FROM Code</b>	<b>Amount</b>	<b>Department</b>	<b>TO Code</b>	<b>Amount</b>
<b><u>FY 2004</u></b>					
Capital Funds	4-302-94840-8215	\$27,497	Library – Bealeton	4-100-073100-6025	\$78
				4-100-073100-6047	\$710
				4-100-073100-6050	\$26,709
Capital Funds	4-302-96001-3140	\$17,999	Salem Meeting House	4-100-072210-3140	\$17,999

**FY 2005**

State Funds	3-100-244100-0030	\$31,875	Adult Court Services	4-100-021700-1101	\$24,414
				4-100-021700-2100	\$1,904
				4-100-021700-2210	\$2,264
				4-100-021700-2310	\$3,074
				4-100-021700-2400	\$219
Federal Funds	3-100-331000-0040	\$14,045	Sheriff's Office	4-100-031230-8201	\$14,045
Fund Balance – Carryover	3-100-419000-0010	\$192	Sheriff's Office	4-100-031230-8201	\$192
Fund Balance – Carryover	3-100-419000-0010	\$5,500	Parks & Recreation	4-100-071130-3310	\$5,500
Fund Balance – Carryover	3-100-419000-0010	\$2,675	Parks & Recreation	4-100-071140-3160	\$2,675
Fund Balance – Carryover	3-100-419000-0010	\$3,439,280	Budget Office – Courthouse & Jail Renovations	4-302-21920-8306 4-302-33200-8215	\$1,906,139 \$1,533,141
Fund Balance – Carryover	3-100-419000-0010	\$8,000	Budget Office	4-100-012840-6050	\$8,000
Fund Balance – Carryover	3-100-419000-0010	\$1,000,000	Contingency Reserve	4-100-091400-9999	\$1,000,000
Utility Fund	4-310-99999-9999	\$32,085	Botha Housing Project	4-302-91502-9820	\$32,085
Fund Balance – Carryover	3-270-419000-0010	\$1,704	Fire & Emergency Services	4-271-032420-3130	\$1,704
Fund Balance	3-513-419000-0020	\$510,000	Environmental Services	4-513-042720-5889	\$510,000
Fund Balance	3-513-419000-0020	\$574,500	Environmental Services	4-513-042720-5889	\$574,500
Federal Funds	3-100-TBD	\$35,000	Water Resource Management Study	4-100-082200-1302 4-100-082200-3160	\$17,500 \$17,500
Fund Balance – Carryover	3-100-419000-0010	\$4,184	Library	4-100-073100-3310	\$4,184
F&R Fund Balance	3-270-419000-0010	\$19,760	F&RA	4-270-032250-6001	\$19,760

<b><u>F&amp;R Fund Balance</u></b>	3-270-419000-0010	\$13,074	F&RA	4-270-032250-6001	\$13,074
<b><u>F&amp;R Fund Balance</u></b>	3-270-419000-0010	\$21,500	F&RA	4-270-032260-3310	\$21,500
<b><u>Joint Communications Fund Balance</u></b>	3-220-419000-0010	\$19,863	Joint Communications	4-220-31410-6050	\$3,115
				4-220-31410-6047	\$6,300
				4-220-31410-5540	\$5,020
				4-220-31410-6025	\$1,050
				4-220-31410-6011	\$4,378
<b><u>Construction Reserve (Transfer)</u></b>	4-302-91400-0100	\$2,224,836	Budget Office Courthouse Renovations	4-302-21920-8306	\$2,224,836
<b><u>Environmental Services (Transfer)</u></b>	4-513-042711-3160	\$57,680	Environmental Services	4-513-042711-8201	\$57,680
<b><u>Contingency Reserve (Transfer)</u></b>	4-100-091400-9999	\$35,000	Water Resource Management	4-100-082200-1302	\$17,500
				4-100-082200-3160	\$17,500
<b><u>Contingency Reserve (Transfer)</u></b>	4-100-091400-9999	\$36,787	Sheriff's Office	4-100-031200-6009	\$36,787
TOTAL		\$8,133,036			\$8,133,036

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT TO BOUNDARY ADJUST 10 ACRES OF LAND OWNED BY N.F. ADAMS & SONS, LLC, INTO THE CORPORATE LIMITS OF THE TOWN OF THE PLAINS**

A public hearing was held to consider a proposed boundary adjustment of approximately 10 acres of a parcel of land identified as the property of N.F. Adams & Sons, LLC, into the corporate limits of the Town of The Plains, to permit the provision of public utilities to buildings currently existing on the site. Paul McCulla, County Attorney, summarized the proposal, and recommended that the matter be tabled until such time as the Town Council of The Plains determines its course of action. No one else spoke. The public hearing was closed. Mr. Downey moved to table a decision on the matter for up to sixty days. Mr. Graham seconded the motion. Following discussion, the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

**AN ORDINANCE AMENDING SECTIONS 2-15 AND 2-21 OF THE FAUQUIER COUNTY CODE ADDING A RESIDENCY REQUIREMENT FOR MEMBERSHIP ON THE PARKS AND RECREATION AND LIBRARY BOARDS**

A public hearing was held to consider a proposed Ordinance amending Sections 2-15 and 2-21 of the Fauquier County Code adding a residency requirement for membership committees of the Board of Supervisors and on the Parks and Recreation and Library Boards. Mr. Atherton waived a staff report. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded the motion, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## ORDINANCE

### AN ORDINANCE AMENDING SECTIONS 2-15 AND 2-21 OF THE FAUQUIER COUNTY CODE ADDING A RESIDENCY REQUIREMENT FOR MEMBERSHIP ON THE PARKS AND RECREATION AND LIBRARY BOARDS

WHEREAS, the Board of Supervisors wishes to impose a residency requirement for membership on the Parks and Recreation and Library Boards; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 14th day of October 2004, That Sections 2-15 and 2-21 of the Fauquier County Code be, and are hereby, amended to impose a residency requirement for membership on the Parks and Recreation, and Library Boards, said sections to read as follows:

Sec. 2-15. Established; appointments; residency; compensation and numbers of membership.

There is hereby established the Parks and Recreation Board. Each respective member of the Board of Supervisors shall appoint one (1) respective member to the Parks and Recreation Board. In addition, the Board of Supervisors as a whole may appoint any other members to serve at large as deemed appropriate. Unless specified by law or by resolution of the Board of Supervisors, all citizens appointed to the Parks and Recreation Board shall be residents of the County and shall maintain their residency within the County throughout the term of the membership on the board. Change in residency to a locality outside of the County shall result in automatic forfeiture of the citizen's board appointment.

Sec. 2-21. Appointment; residency; number of members.

The Library Board of Trustees shall consist of not less than five (5) members chosen by the Board of Supervisors with reference to their fitness for such office. Each respective member of the Board of Supervisors shall appoint one (1) respective member to the Library Board. In addition, the Board of Supervisors as a whole may appoint any other members to serve at large as deemed appropriate. One (1) trustee may be a member or employee of the Board of Supervisors. Unless specified by law or by resolution of the Board of Supervisors, all citizens appointed to the Library Board of Trustees shall be residents of the County and shall maintain their residency within the County throughout the term of the membership on the board.

Change in residency to a locality outside of the County shall result in automatic forfeiture of the citizen's board appointment.

; and, be it

ORDAINED FURTHER, That this Ordinance shall be effective upon adoption and shall apply to the terms of all members of the Library and Parks and Recreation Boards which are currently sitting at the time of adoption of this Ordinance; and, be it

ORDAINED FINALLY, That the seat of any member of the Library Board or Parks and Recreation Board which, at the time of the adoption of this Ordinance, has established residency outside of the County, shall hereby be immediately vacated in accordance with the provisions of this Ordinance.

**A RESOLUTION TO INCREASE THE TIPPING FEE FOR CONSTRUCTION AND DEMOLITION DEBRIS FROM \$30.00 A TON TO \$38.00 A TON**

A public hearing was held to consider increasing the tipping fee for construction and demolitions debris from \$30.00 a ton to \$38.00 a ton, effective November 1, 2004. Anthony Hooper, Deputy County Administrator, summarized the proposed rate adjustment and recommended that a decision on the matter be postponed for 30 days in order to meet notice requirements. Barbara Severin, Scott District; and Mimi Moore, Marshall District, spoke in favor of the resolution. No one else spoke. The public hearing was closed. Mr. Graham moved to table a decision on the matter until the next regular meeting on November 10, 2004. Mr. Downey seconded the motion. Following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE (REC) DOMINION VIRGINIA POWER IN CONJUNCTION WITH THE OPERATION OF THE WASTE WATER TREATMENT FACILITY AT THE WARRENTON-FAUQUIER AIRPORT**

A public hearing was held to consider a resolution to grant Dominion Virginia Power an easement at the Warrenton-Fauquier Airport for operation of the Waste Water Treatment Facility. Anthony Hooper, Deputy County Administrator, provided the Board with a substitute resolution and summarized the proposal. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded the motion, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

#### RESOLUTION

#### A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO DOMINION VIRGINIA POWER IN CONJUNCTION WITH THE OPERATION OF THE WASTE WATER TREATMENT FACILITY AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, as a part of the addition of the Waste Water Treatment facility at the Warrenton-Fauquier Airport, it is necessary to provide an easement to Dominion Virginia Power to provide electric service to the site; and

WHEREAS, on October 14, 2004, the Board of Supervisors held a public hearing to receive citizens' comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the County Administrator, or his designee be, and is hereby, authorized to execute a Right-of-Way Easement Agreement with Dominion Virginia Power to provide electric service for the operation of the Waste Water Treatment Facility at the Warrenton-Fauquier Airport.

#### **A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO DOMINION VIRGINIA POWER IN CONJUNCTION WITH THE OPERATION OF THE LEACHATE TREATMENT FACILITY AT THE LANDFILL**

A public hearing was held to consider a resolution to grant Dominion Virginia Power an easement at the Landfill for operation of the Leachate Treatment Facility. Anthony Hooper, Deputy County Administrator, summarized the proposal. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded the motion, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

#### RESOLUTION

#### A RESOLUTION TO CONSIDER GRANTING AN EASEMENT TO DOMINION VIRGINIA POWER IN CONJUNCTION WITH THE OPERATION OF THE LEACHATE TREATMENT FACILITY AT THE LANDFILL



WHEREAS, as a part of the addition of the Leachate Treatment Facility at the Landfill, it is necessary to provide an easement to Dominion Virginia Power to provide electric service to the site; and

WHEREAS, on October 14, 2004, the Board of Supervisors held a public hearing to receive citizens' comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the County Administrator, or his designee be, and is hereby, authorized to execute a Right-of-Way Easement Agreement with Dominion Virginia Power to provide electric service for the operation of the Leachate Treatment Facility at the Landfill.

**A RESOLUTION ADOPTING A PROPOSED AMENDMENT TO THE INTRODUCTION SECTION OF CHAPTER 6 – SERVICE DISTRICTS OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN**

A public hearing was held to consider a proposed amendment to Chapter Six – Service Districts of the Comprehensive Plan. With the completion of the nine service districts, the introductory portion of Chapter 6 needs to be updated to be compatible with all the changes and recommendations contained in those adopted elements. There are proposed changes regarding development phasing, densities, build-out and general updating of data. Rick Carr, Director of Community Development, summarized the Comprehensive Plan text amendment. Chuck Medvitz, Scott District; Yak Labowski, Center District; and Kitty Smith, Marshall District, spoke in favor of the resolution. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded the motion. Following discussion, the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION ADOPTING A PROPOSED AMENDMENT TO THE INTRODUCTION SECTION OF CHAPTER 6 – SERVICE DISTRICTS OF THE FAUQUIER COUNTY COMPREHENSIVE PLAN**

WHEREAS, Fauquier County has periodically reviewed and updated the County Comprehensive Plan; and

WHEREAS, on July 29, 2004, the Planning Commission conducted a public hearing on its proposed update of the introduction to Chapter 6, entitled Service Districts, of the Comprehensive Plan; and

WHEREAS, the objective was to update this portion of Chapter 6, since all Service District Plans have been revised and adopted; and

WHEREAS, at its August 26, 2000 meeting, the Fauquier County Planning Commission forwarded the referenced text amendment to the Comprehensive Plan to the Board of Supervisors with a unanimous recommendation that it be adopted; and

WHEREAS, on October 14, 2004, the Board of Supervisors held a public hearing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That the Board does hereby adopt the Chapter 6-Service District introduction section text amendment to the Fauquier County Comprehensive Plan.

**ZONING ORDINANCE TEXT AMENDMENT TO CREATE A PURCHASE OF DEVELOPMENT RIGHTS INCENTIVE DISTRICT WITHIN SERVICE DISTRICTS**

A public hearing was held to consider a proposed amendment to Article 4, Special and Overlay District Regulations, to create a Purchase of Development Rights Incentive District within Service Districts. Rick Carr, Director of Community Development, summarized the proposed Zoning Ordinance text amendment. Chuck Medvitz, Scott District; and Kitty Smith, Marshall District, spoke in favor of the amendment, but suggested further refinement. No one else spoke. The public hearing was closed. Mr. Atherton moved to table a decision on the matter until the next regular meeting on November 10, 2004, and to schedule a work session for further review of the proposed text amendment. Mr. Graham seconded the motion. Following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**AN ORDINANCE AUTHORIZING ZONING ORDINANCE AND SUBDIVISION ORDINANCE TEXT AMENDMENTS REGARDING LARGE LOT SUBDIVISIONS**

A public hearing was held to consider a proposed Zoning Ordinance text amendment to Section 2-310, Large Lot Development Option in the RA and RC Zones; and a Subdivision Ordinance Text Amendment to Section 2-39, Subdivisions. Rick Carr, Director of Community Development, provided the Board with a substitute resolution and summarized the proposed text amendments. Mimi Moore, Marshall District, on behalf of Citizens for Fauquier County; Kitty Smith, Marshall District; and Inez Huber, Lee District, spoke in favor of the resolution. Merle Fallon, Esquire, representing Black Rock One, spoke in opposition to the amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded the motion. Following discussion, the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i>
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*Nays:* **Mr. Chester W. Stribling**  
*Absent During Vote:* **None**  
*Abstention:* **None**

## ORDINANCE

### AN ORDINANCE AUTHORIZING ZONING ORDINANCE AND SUBDIVISION ORDINANCE TEXT AMENDMENTS REGARDING LARGE LOT SUBDIVISIONS

WHEREAS, Fauquier County has a key objective to preserve farmland and open space throughout its rural areas as much as practicable; and

WHEREAS, that objective is also consistent with stated objectives and recommendations within the adopted Chapter 8-Rural Land Use Plan of the Comprehensive Plan; and

WHEREAS, on August 26, 2004, the Planning Commission held a public hearing on the proposed text amendments regarding large lot subdivision and forwarded them to the Board of Supervisors with a unanimous vote recommending adoption; and

WHEREAS, on October 14, 2004, the Fauquier County Board of Supervisors held a public hearing on these amendments; and

WHEREAS, the adoption of these text amendments would be in the spirit of the Zoning Ordinance, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 14<sup>th</sup> day of October 2004, That Article 2, Part 2 of Section 2-310 of the Fauquier County Zoning Ordinance, and Section 2-39 (C) of the Subdivision Ordinance be, and are hereby, amended as follows:

Zoning Ordinance  
Article 2, Part 2

#### 2-310 Large Lot Development Option in the RA and RC Zones

As an alternative to division in accordance with the sliding scale zoning density set forth in Section 2-308, eligible parcels of record on the date of adoption of this provision zoned RA or RC may be divided into large lots subject to the following conditions and limitations:

1. The parcel shall not be eligible to be divided into large lots if it constitutes the deeded or otherwise required open-space for a subdivision created in accordance with 2-308 of this Ordinance.
2. All parcels created through this Ordinance must be at least 100 acres in size, except that each eligible parcel of record as of the date of adoption of this Ordinance shall be afforded no more than three lots having a minimum of 50

acres each. A large lot subdivision applicant may reserve or allocate within any large lot division one or more of the three 50-acre lots by deed and plat notation.

3. Except to the extent any of the three 50-acre lots is allocated or reserved as set forth in paragraph 2, above, any parcel of 200 acres or greater in size created as a large lot in accordance with this section may be re-divided into lots of at least 100 acres in size, or alternatively may be re-subdivided in accordance with the proportionate share zoning density available to the parcel in accordance with the provisions of Section 2-308 of the Zoning Ordinance.
4. Large lots created in accordance with this provision shall be exempt from the requirements of the Subdivision Ordinance to the extent set forth in Section 2-39(c) of the Subdivision Ordinance.
5. Notwithstanding all of the above, an otherwise eligible parcel from which only one family division or administrative parcel of five (5) acres or less has been created may be further divided in accordance with this section.

Subdivision Ordinance  
Section 2

2-39(C) The division of a lot, tract or parcel of land into two or more parcels all of which are fifty (50) or greater for the purpose of transfer of ownership or building development provided:

1. The lots/layout conforms to requirements of this Ordinance and other County Ordinances;
2. All lots are served by a right-of-way at least thirty (30) feet in width;
3. The design standards of Article 7-303.1 of the Zoning Ordinance are met, except that the right-of-way width may be reduced as provided above;
4. The homeowners association is established with covenants which provide for the maintenance and upkeep of the private street; ~~and~~
5. The highway entrance is approved by the Virginia Department of Transportation;
6. All platting requirements of Chapter 10 of this Ordinance are met; ~~and~~
7. The large lots shall meet the minimum size and other requirements of Section 2-310 of the Zoning Ordinance. A notation shall be placed on the plat and deed for any lot which may not be further divided, in accordance with the provisions of Section 2-310 of the Zoning Ordinance. No parcel created pursuant to this section shall be divided in accordance with the sliding scale and its proportionate share methodology set forth in Section 2-308 of the Zoning Ordinance, except as outlined in Section 2-310.

; and, be it

ORDAINED FURTHER, That any large lot division filed at the close of business on October 14, 2004, shall be processed, reviewed and approved in accordance with the large lot provisions of the Subdivision Ordinance in effect prior to the adoption of this Ordinance.

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX04-CR-025, A CATEGORY 26 SPECIAL EXCEPTION TO ALLOW FOR A REDUCTION OF THE NON-COMMON OPEN SPACE REQUIREMENT**

A public hearing was held to consider an application to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement. The property is located on the north side of Shenandoah Path (Route 607), Cedar Run District, further identified as PIN #7931-02-4406-000. Rick Carr, Director of Community Development, provided a summary of the application. Ron Harding, owner/applicant, spoke in favor of the resolution, and further requested that silvaculture (tree farming) be an allowed use for open space. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded the motion, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX04-CR-025, A CATEGORY 26 SPECIAL EXCEPTION TO ALLOW FOR A REDUCTION OF THE NON-COMMON OPEN SPACE REQUIREMENT**

WHEREAS, Cedar Run Properties, LLC, the owner of the property identified by PIN #7931-02-4406-000, has requested a Category 26 Special Exception to allow for a reduction of the non-common open space requirement; and

WHEREAS, the requested Special Exception would allow the applicant a non-common open space reduction to allow the applicant to develop two (2) residential lots and one (1) utility lot; and

WHEREAS, on August 26, 2004, the Planning Commission held a public hearing and voted unanimously to recommend approval of the Special Exception SPEX04-CR-025 to the Board of Supervisors; and

WHEREAS, on October 14, 2004, the Fauquier County Board of Supervisors held a public hearing and considered the Special Exception application, and concurred with the judgment of the Planning Commission; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of October 2004, That Special Exception SPEX04-CR-025, Cedar Run Properties, LLC's request for a non-common open space reduction, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for, and runs with, the land indicated in this application, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat entitled Special Exception Plat, The Property of Cedar Run Properties, LLC, Tax Map #7931-02-4406, dated June 17, 2004, and received in Community Development on June 17, 2004, approved with the application, as qualified by these development conditions.
3. The request for a reduction of non-common open space from 85% (78.49 acres) to 70.33% ( $\pm 65$  acres) shall be granted if, and only if, the Public Utility Lot is utilized by Fauquier County Water and Sanitation Authority (WSA) for the wastewater treatment facility, and if the applicant places deed restrictions on the parcels to preclude further subdivision and/or development.
4. If the applicant opts to sell the other two (2) lots prior to confirming the WSA need for the parcel, the deed restrictions shall remain in place and the proposed public utility lot will not be considered a buildable lot.
5. If WSA does not select the conceptual Public Utility Lot (15.4199 acres) as shown on the Special Exception Plat, then:
  - a) The proposed lot may be boundary line adjusted back into Lot 1 (65.3413 acres) or Lot 2 (11.0749 acres) and the deed restrictions shall remain in place.
  - b) The applicant could boundary line adjust a portion of it back into Lot 1 (to meet open space requirements) and, if lot placement requirements can be met per the Zoning Ordinance, the applicant could potentially add one more lot for a total of three (3) buildable lots, since the by-right acreage for clustered development is 13.85 acres and Lot 2 utilizes only 11.0749 acres.
6. If WSA opts to select this proposed public utility lot for a wastewater treatment facility, additional Special Exceptions and permits shall be required from the County, and other local, State or Federal agencies.

With no further business, the meeting was adjourned at 8:10 p.m.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 14, 2004.*

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*G. Robert Lee*  
*Clerk to the Board of Supervisors*